

Notice of Allowability

Application No.

10/692,466

Examiner

Greg F. Cunningham

Applicant(s)

AHUJA ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received 5/14/2007.
2. ☒ The allowed claim(s) is/are 2-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This action is responsive to amendment filed 5/14/2007.
2. The disposition of the claims is as follows: claims 2 - 16 are pending in the application. Claims 2 and 14 are independent claims. Claim 1 has been cancelled.

Drawings

3. In view of amended drawings, rejection to drawings is withdrawn.

Claim Rejections - 35 USC § 101 and 112

4. In view of the amended claims 101 and 112 rejections are withdrawn.

Claim Rejections - 35 USC § 103

5. In view of amended and cancelled claim 1 and review of cited references, 103 rejections are withdrawn.

Allowable Subject Matter

6. Claims 2 - 16 are allowed.
7. The following is an examiner's statement of reasons for allowance:

Applicant's amended independent claims 2, 4, 6, 8, 13 and 14 stand novel over the related prior art. For instance, while the related art of Imagawa et al. (U.S. 6,819,782 B1), does make use of identifying at least one candidate segment(s); identifying at least one neighboring segment(s) for each candidate segment;

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computing an error statistic for each pair, wherein each pair consists of a candidate segment and a corresponding neighboring segment;

determining a neighboring segment that results in a smallest error statistic for a given candidate segment;

determining whether said smallest error statistic is sufficiently small to merit merging of the corresponding pair of segments; and

merging said corresponding pair of segments to create one supersegment, wherein a supersegment is a new segment comprising all pixels formerly contained in one of the two segments that were merged.

However lack the various elements of previously objected to claim language wherein said error statistic is computed using one or more merging parameters selected from the group consisting of a difference in mean color between the two segments, a difference in color variance between the two segments, a measure of a color gradient along a common boundary between the two segments, a length of the common boundary, a total length of a boundary of the candidate segment, an area of the candidate segment, and an area of the neighboring segment.

Therefore as claimed by the combined elements of amended independent claims 2, 4, 6, 8, 13 and 14, the cited references and prior art of record lack separately and in combination the elements of amended claims. Claims 3, 5, 7, 10-12 and 15-16 depend from allowable independent claims 2 and 14, respectively, and therefore are also allowed.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Responses

9. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communications.

Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Matthew C. Bella



Greg Cunningham

Examiner, Art Unit 2624

7/17/2007

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600